



## THE NAVAJO NATION

OFFICE OF THE PRESIDENT & VICE PRESIDENT

FOR IMMEDIATE RELEASE

OCT. 20, 2009

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# Speaker's office issues inaccurate news release in violation of council's own executive session rule

**WINDOW ROCK, Ariz.** – Following five hours of secret discussion from which the Navajo public was excluded, Navajo Nation Council Speaker Lawrence T. Morgan's office on Monday issued a news release that contains errors of fact, makes unsubstantiated allegations against Navajo Nation President Joe Shirley, Jr., and violates the council's own executive session rules by revealing what reportedly was discussed in closed session.

The executive session was requested by attorney Jim Dunston of the firm Garvey, Shubert and Barer, who was speaking about a report commissioned and paid for by the Speaker's office.

The news release, issued by Speaker Morgan's spokesman Joshua Lavar Butler, stated that the council listened to three reports in executive session. It then disclosed the information that was reported to the council although neither the Navajo public, tribal employees, the press nor President Shirley was permitted to remain in the building to hear it.

Despite the release stating, "the reports reveal serious impropriety and serious violations," President Shirley, his staff and the public were told to leave the council chamber immediately after lunch was served.

Neither the President, his legal counsel, nor his staff were given copies of the reports nor told any of the allegations against the President or the staff who allegedly were named in them.

Although the Butler news release states "all three reports involved Navajo President Joe Shirley, Jr., and key members of his staff," neither the President nor his staff were allowed any opportunity to respond to the allegations or permitted to answer questions from council members.

Nonetheless, without hearing from him to ascertain his responses to the allegations, the council reportedly discussed

placing the President on administrative leave. It also directed Chief Legislative Counsel Frank Seanez to draft a resolution to that affect.

*The news release issued by Speaker Morgan's spokesman stated that the council listened to three reports in executive session. It then disclosed the information in violation of the council's rules.*

Prior to the council's closed door meeting, on Sunday Mr. Butler wrote publicly on his Facebook page that President Shirley would face allegations before the council.

"BIG things happening tomorrow," Mr. Butler wrote. "Hipocrits will be reveiled. Can't wait. LOL." (sic)

"Given the seriousness of what was said today, and the significant impact action against the President would have on the entire Navajo Nation, and how that would be viewed by the rest of the county, Mr. Butler's immature, contemptuous and disrespectful comments certainly reveal unprofessional behavior within the Speaker's office," said OPVP Communications Director George Hardeen. "If nothing else, it raises a serious question about the credibility of the information being disseminated by him."

For example, the Butler news release reports that the Navajo Division of Community Development entered into a contract with OnSat in 2001 that it inaccurately says was under the management of President Shirley.

President Shirley was elected in November 2002 and took office in January 2003. The contract actually began under the administration of former Navajo President Kelsey Begaye.

The Butler news release reports that President Shirley signed a pledge agreement with JP Morgan Chase Bank in 2006 to authorize a \$2.2 million loan to Biochemical Decontamination Systems in Shiprock.

But it neglects to say that was the last step in a lengthy process involving oversight committee and Department of Justice review before reaching the President's desk, and without anyone indicating anything wrong.

The OnSat report was presented to council by Judith M. Dworkin and Daniel B. Mestaz of Sacks Tierney P.A., the same firm that assisted Speaker Morgan to obtain funding for the proposed \$50 million legislative complex that was to replace the Navajo Nation Council chamber and provide offices and meeting rooms for council delegates.

President Shirley opposed the building during his April 21, 2008, state of the Navajo Nation address, saying that any major capital project that would indebt the Nation for 20 years or longer should be for the purpose of providing a direct and essential government function, like public safety and judicial facilities would.

In addition, he stated that the legislative complex proposal:

- Did not undergo the required "request for proposals" process.
- No due diligence was performed on the company selected to construct the building.
- No public advertisement or competitive bids were submitted from other lending institutions.
- No certification of debt was provided pursuant to the Bond Financing Act, and
- There was no compliance with Navajo preference regarding the selection of the construction company, architect, engineer, or the construction manager.

On April 24, 2008, the council voted against the legislation to construct the building following press coverage about it, and subsequent public disapproval and condemnation of the proposal.

"Obviously, the Sacks Tierney report is one-sided and must deliver information in the form that the Speaker's office, which paid for it, expects," Mr. Hardeen said. "If the council is

satisfied with the report, it's not too much to expect that the firm will receive future contracts. But allegations in and of themselves do not justify putting a Navajo Nation president and the public through an ordeal that seeks only to lay blame, because there's nothing more."

The Butler news release reports that the council accepted the reports by a vote of 46-0 but neglects to mention that half the council delegates, most of whom had been in attendance all day, walked out early rather than be there to cast a vote.

The Butler news release reports that council delegates began receiving telephone text messages that "spread rumors" that the council was suspending the President, Vice President and members of his staff. However, the release neglects to say that Mr. Seanez, the legislative counsel, was, in fact, directed to draft resolutions that include placing President Shirley on administrative leave and referring the issue to the Ethics and Rules Committee for review.

Finally, the Butler news release states that the council's executive session, receiving the reports, and discussion of placing the President on administrative leave "has nothing to do with the two initiatives" to reduce the council and give presidential line item veto authority.

However, the council earlier refused to amend its session agenda to include legislation to pay for the Dec. 15 special election, and, to date, has taken no action to facilitate the election as the Navajo Nation Supreme Court indicated it should in July.

Also, prior to closing the session, Council Delegate Curran Hannon, who is seeking to abolish the First Lady's office, also recommended abolishing the Executive Protection program and reallocating its funding to the Department of Water Resources.

"The public should remember that Speaker Morgan's concept of government reform is to abolish the Office of the President and Vice President and to replace the President's position with a committee chaired by the Speaker," Mr. Hardeen said. "It would appear that's what the council is now considering doing – minus the committee."

"Mr. Butler may say the council's actions have nothing to do with the initiatives, but no one – delegates, President's staff, the public or the press – seriously believes that," Mr. Hardeen said. "It's an unconvincing argument thoroughly lacking in persuasion. It appears to the Navajo people and outside observers alike that council's actions have everything to do with the initiatives. So we can only hope that wisdom prevails."